

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

SAMUEL GAINES, JR.,)	
)	
Petitioner,)	
)	
v.)	CV 119-028
)	
JOSE MORALES, Warden,)	
)	
Respondent.)	


ORDER

On February 24, 2019, Petitioner, an inmate at Coastal State Prison in Garden City, Georgia, submitted his “Civil Right Violations Motion to Vacate Judgment Pursuant to Federal Rule [of] Civil Procedure Rule 60(b)(2),” in which he apparently seeks to challenge the dismissal of his 28 U.S.C. § 2254 motion filed in the Middle District of Georgia. (Doc. nos. 1, 1-1); see Gaines v. Allen, CV 517-474, doc. no. 1 (M.D. Ga. Dec. 5, 2017) (“CV 517-474”). On September 17, 2018, the Middle District of Georgia dismissed Petitioner’s § 2254 motion, and, on February 28, 2019, the Eleventh Circuit denied Petitioner’s motion for a certificate of appealability. CV 517-474, doc. nos. 25, 35. Although Petitioner references several purported civil rights violations in his motion and attachments, he requests reversal of his conviction and release from custody as relief. (Doc. no. 1, pp. 8, 14; 1-14, p. 4.) Furthermore, Petitioner does not name the individuals allegedly responsible for the violations as parties. Thus, while the Court is hesitant to definitively characterize the nature of

Petitioner's filing, he appears to seek relief from final judgment in CV 517-474 pursuant to Federal Rule of Civil Procedure 60(b).

Accordingly, the Court **ORDERS** the transfer of this action to the United States District Court for the Middle District of Georgia, Macon Division, for further consideration and **DIRECTS** the Clerk to immediately forward the file and any future filings to that District. Plaintiff should be aware that all future filings in this case, including the response to the February 28, 2019 filing fee deficiency Notice from the Clerk of Court, should be made with the Clerk, U.S. District Court, Post Office Box 128, Macon, Georgia 31202. Furthermore, depending on the Court's characterization of Petitioner's filing in the Middle District, a filing fee may not be necessary.

SO ORDERED this 8th day of March, 2019, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA